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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER SHELEHEDA, JAMES R	
			ART UNIT 2617	PAPER NUMBER
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/430,950

Applicant(s)

INOUE ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/17/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett et al. (Lett) (5,592,551) (of record) in view of Garfinkle (5,530,754) and Camhi et al. (5,930,444).

As to claim 22, Lett discloses a method of receiving program information supplied on plural time-offset channels in a near video on demand system (Fig. 16; column 15, line 54-column 16, line 4), comprising the steps of:

selecting a particular channel (column 16, lines 41-59); and

receiving the program information supplied on said particular channel (receiving and viewing the movie; column 15, lines 54-column 17, line 9).

While Lett discloses allowing a user of the near video on demand system to pause and resume the movie (column 16, lines 4-16), he fails to specifically disclose storing a segment of the program information supplied on one of said channels in a buffer memory of a receiver, reading said stored segment of program information while buffering the program information supplied on said particular channel in response to the selection of said particular channel and wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command.

In an analogous art, Garfinkle discloses a video distribution system (Fig. 1; column 2, lines 39-57) wherein a lead-in portion of a video is stored in a memory of a receiver (site catalog store, 22; column 4, lines 13-26 and column 4, line 66-column 5, line 3) and wherein the stored lead-in is read while buffering program information (Fig. 5; column 4, lines 13-26 and column 4, line 66-column 5, line 9) in response to the selection of said particular program (column 4, line 66-column 5, line 9) for the typical benefit of allowing the display of the movie to begin immediately (column 4, line 17-21 and column 1, lines 63-67).

Also, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a buffer memory for buffering data, which utilized for operations requiring high-speed reading/writing of data into memory,

for the typical benefit of taking advantage of the high-speed capabilities offered by a buffer memory.

Additionally, in an analogous art, Camhi discloses a video receiver (Fig. 1) wherein the reading of stored segments is paused in response to a pause command (column 6, lines 25-56) while buffering (column 5, lines 25-33) and is resumed in response to a resume command (column 6, lines 25-56 and column 4, line 59-column 5, line 19) for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption, such as with typical vcrs (column 6, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett's system to include storing a segment of the program information supplied on one of said channels in a memory of a receiver, reading said stored segment of program information while buffering the program information supplied on said particular channel in response to the selection of said particular channel, as taught by Garfinkle, for the typical benefit of allowing the display of the movie to begin immediately.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include a buffer memory for the typical benefits provided by well known buffer memories of high read/writes speeds.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include wherein

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reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command, as taught by Camhi, for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption.

As to claim 23, Lett, Garfinkle and Camhi disclose wherein said time-offset is equal to the difference between a start time at which said program information is transmitted on one channel and the start-time at which the same program information is next transmitted on another channel (see Lett at Fig. 16; column 15, line 54-column 16, line 15).

As to claim 24, Lett, Garfinkle and Camhi disclose wherein said program information supplied on said particular channel is buffered by writing said program information into a storage device (see Garfinkle at column 5, lines 3-9) and reading said program information from said storage device (see Garfinkle at column 5, lines 3-9), said reading of said program information commencing after said stored segment of said program information has been substantially fully read (see Garfinkle at column 4, lines 19-34), thereby seamlessly reading said program information (see Garfinkle at column 4, lines 19-34).

As to claim 25, Lett, Garfinkle and Camhi disclose wherein said stored segment exhibits a time duration (a time duration long enough to allow the downloading of the movie and splicing together of the frames; see Garfinkle at column 4, lines 19-34) substantially equal to the duration of said time offset (see Lett at column 15, line 66-column 16, line 16).

As to claim 26, Lett, Garfinkle and Camhi disclose wherein said one channel over which said segment is supplied (see Garfinkle at Fig. 1; column 3, lines 6-49) and said particular channel over which the buffered program information (see Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59) is supplied are the same (see Garfinkle at Fig. 1; column 4, lines 13-35 and column 4, line 66-column 5, line 9 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59).

As to claim 27, Lett, Garfinkle and Camhi disclose wherein the same program information is supplied simultaneously on said plural time-offset channels (see Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59), and wherein the program information that is supplied on said one channel commencing at the start time of said program information and continuing until said particular channel is selected constitutes said segment that is stored (wherein the lead-in constitutes the starting portion of the movie; see Garfinkle at column 4, lines 13-34 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59).

As to claim 28, Lett, Garfinkle and Camhi disclose wherein said stored segment of said program information is read out when said one channel is selected as said particular channel (read out when the particular movie is selected; see Garfinkle at column 4, lines 13-26 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59).

As to claim 29, Lett, Garfinkle and Camhi disclose wherein said program information is a video program (see Lett at column 15, line 66-column 16, line 16).

As to claim 30, Lett discloses an apparatus for receiving program information supplied on plural time-offset channels in a near video on demand system (Fig. 16; column 15, line 54-column 16, line 4), comprising:

a channel selector for selecting a particular channel (column 16, lines 41-59) and for receiving the program information supplied on said particular channel (receiving and viewing the movie; column 15, lines 54-column 17, line 9).

While Lett discloses allowing a user of the near video on demand system to pause and resume the movie (column 16, lines 4-16), he fails to specifically disclose a storage device for storing a segment of the program information supplied on one of said channels, a buffer for buffering the program information received on said particular channel in the apparatus, a read out device for reading out said stored segment of program information while said buffer is buffering said received program information



supplied on said particular channel in response to the selection of said particular channel and wherein reading out of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading out of said stored segment is resumed in response to a resume command.

In an analogous art, Garfinkle discloses a video distribution system (Fig. 1; column 2, lines 39-57) wherein a lead-in portion of a video is stored in a memory of a receiver (site catalog store, 22; column 4, lines 13-26 and column 4, line 66-column 5, line 3) and wherein the stored lead-in is read while buffering program information (Fig. 5; column 4, lines 13-26 and column 4, line 66-column 5, line 9) in response to the selection of said particular program (column 4, line 66-column 5, line 9) for the typical benefit of allowing the display of the movie to begin immediately (column 4, line 17-21 and column 1, lines 63-67).

Also, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a buffer memory for buffering data, which utilized for operations requiring high-speed reading/writing of data into memory, for the typical benefit of taking advantage of the high-speed capabilities offered by a buffer memory.

Additionally, in an analogous art, Camhi discloses a video receiver (Fig. 1) wherein the reading of stored segments is paused in response to a pause command (column 6, lines 25-56) while buffering (column 5, lines 25-33) and is resumed in response to a resume command (column 6, lines 25-56 and column 4, line 59-column 5, line 19) for the typical benefit of providing a user move flexibility in viewing a buffered

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movie by allowing the user to pause during an interruption, such as with typical vcrs (column 6, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett's system to include storing a segment of the program information supplied on one of said channels in a memory of a receiver, reading said stored segment of program information while buffering the program information supplied on said particular channel in response to the selection of said particular channel, as taught by Garfinkle, for the typical benefit of allowing the display of the movie to begin immediately.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include a buffer memory for the typical benefits provided by well known buffer memories of high read/writes speeds.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include wherein reading out of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading out of said stored segment is resumed in response to a resume command, as taught by Camhi, for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption.

As to claim 31, Lett, Garfinkle and Camhi disclose wherein said time-offset is equal to the difference between a start time at which said program information is transmitted on one channel and the start-time at which the same program information is next transmitted on another channel (see Lett at Fig. 16; column 15, line 54-column 16, line 15).

As to claim 32, Lett, Garfinkle and Camhi disclose wherein said buffer buffers the program information received on said particular channel by writing the received program information into a memory (see Garfinkle at column 5, lines 3-9) and thereafter reading said program information from said memory (see Garfinkle at column 5, lines 3-9), the received program information being read from said memory once said stored segment of program information has been substantially fully read out from said storage device (see Garfinkle at column 4, lines 19-34), thereby seamlessly recovering substantially all of said program information regardless of when said particular channel is selected (see Garfinkle at column 4, lines 19-34).

As to claim 33, while Lett, Garfinkle and Camhi disclose wherein said buffer includes a digital memory (see Garfinkle at column 3, lines 6-19), they fail to specifically disclose a hard disk drive.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a hard disk drive for storing data, which are capable of providing large storage space at low expense, for the typical benefits of

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taking advantage of the low cost and large storage space provided by well known hard disk drives.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett, Garfinkle and Camhi's system to include a hard disk drive for the typical benefits provided by well known hard disk drives of low cost and large storage space.

As to claim 34, Lett, Garfinkle and Camhi disclose wherein said storage device includes said hard disk drive (see Garfinkle at column 3, lines 14-19 and the rejection of claim 33 above).

As to claim 35, Lett, Garfinkle and Camhi disclose wherein said hard disk drive includes write and read circuits operable at the same time to write and read from the hard disk drive concurrently (see Garfinkle at column 3, lines 14-19, column 4, lines 13-34 and column 4, line 66-column 5, line 9).

As to claim 36, Lett, Garfinkle and Camhi disclose wherein said stored segment exhibits a time duration (a time duration long enough to allow the downloading of the movie and splicing together of the frames; see Garfinkle at column 4, lines 19-34) substantially equal to the duration of said time offset (see Lett at column 15, line 66-column 16, line 16).

As to claim 37, Lett, Garfinkle and Camhi disclose wherein said one channel over which said segment is supplied (see Garfinkle at Fig. 1; column 3, lines 6-49) and said particular channel on which said program information is received (see Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59) are the same (see Garfinkle at Fig. 1; column 4, lines 13-35 and column 4, line 66-column 5, line 9 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59).

As to claim 38, Lett, Garfinkle and Camhi disclose wherein the same program information is supplied simultaneously on said plural channels (see Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59), and said segment is formed by storing said program information on one channel commencing at said start time (see Garfinkle at column 4, lines 13-34 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59) and then, if said particular channel is not selected by the time the start time of said program information on said another channel is reached, replacing the stored segment of program information in said storage device with the program information supplied on said another channel (downloading new information for available movies; see Garfinkle at column 3, lines 6-49).

As to claim 39, Lett, Garfinkle and Camhi disclose wherein said read out device commences the read out of said stored segment of program information when said particular channel is selected (read out when the particular movie is selected; see

Garfinkle at column 4, lines 13-26 and Lett at Fig. 16 and column 15, line 66-column 16, line 16 and column 16, lines 38-59).

As to claim 40, Lett, Garfinkle and Camhi disclose wherein said program information is a video program (see Lett at column 15, line 66-column 16, line 16).

As to claim 41, Lett discloses a method of receiving program information supplied on plural time-offset channels in a near video on demand system (Fig. 16; column 15, line 54-column 16, line 4), comprising the steps of:

receiving the program information (receiving and viewing the movie; column 15, lines 54-column 17, line 9).

While Lett discloses allowing a user of the near video on demand system to pause and resume the movie (column 16, lines 4-16), he fails to specifically disclose storing a segment of the program information in a buffer memory of a receiver, reading said stored segment of program information while buffering the program information which continues to be received and wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command.

In an analogous art, Garfinkle discloses a video distribution system (Fig. 1; column 2, lines 39-57) wherein a lead-in portion of a video is stored in a memory of a receiver (site catalog store, 22; column 4, lines 13-26 and column 4, line 66-column 5, line 3) and wherein the stored lead-in is read while buffering program information (Fig.

5; column 4, lines 13-26 and column 4, line 66-column 5, line 9) in response to the selection of said particular program (column 4, line 66-column 5, line 9) for the typical benefit of allowing the display of the movie to begin immediately (column 4, line 17-21 and column 1, lines 63-67).

Also, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a buffer memory for buffering data, which utilized for operations requiring high-speed reading/writing of data into memory, for the typical benefit of taking advantage of the high-speed capabilities offered by a buffer memory.

Additionally, in an analogous art, Camhi discloses a video receiver (Fig. 1) wherein the reading of stored segments is paused in response to a pause command (column 6, lines 25-56) while buffering (column 5, lines 25-33) and is resumed in response to a resume command (column 6, lines 25-56 and column 4, line 59-column 5, line 19) for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption, such as with typical vcrs (column 6, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett's system to include storing a segment of the program information in a memory of a receiver, reading said stored segment of program information while buffering the program information which continues to be received, as taught by Garfinkle, for the typical benefit of allowing the display of the movie to begin immediately.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include a buffer memory for the typical benefits provided by well known buffer memories of high read/writes speeds.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command, as taught by Camhi, for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption.

As to claim 42, Lett, Garfinkle and Camhi disclose wherein the received program information is buffered by writing said program information into a storage device (see Garfinkle at column 5, lines 3-9) and reading said program information from said storage device (see Garfinkle at column 5, lines 3-9), said reading of said program information commencing after said stored segment of said program information has been substantially fully read (see Garfinkle at column 4, lines 19-34), thereby seamlessly reading said program information (see Garfinkle at column 4, lines 19-34).



As to claim 43, Lett discloses an apparatus for receiving program information supplied on plural time-offset channels in a near video on demand system (Fig. 16; column 15, line 54-column 16, line 4), comprising:

receiving the program information (receiving and viewing the movie; column 15, lines 54-column 17, line 9).

While Lett discloses allowing a user of the near video on demand system to pause and resume the movie (column 16, lines 4-16), he fails to specifically disclose a storage device for storing a segment of the received program information, a buffer for buffering the program information which continues to be received in the apparatus, a read out device for reading out said stored segment of program information while said buffer is buffering said received program information and wherein reading out of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading out of said stored segment is resumed in response to a resume command.

In an analogous art, Garfinkle discloses a video distribution system (Fig. 1; column 2, lines 39-57) wherein a lead-in portion of a video is stored in a memory of a receiver (site catalog store, 22; column 4, lines 13-26 and column 4, line 66-column 5, line 3) and wherein the stored lead-in is read while buffering program information (Fig. 5; column 4, lines 13-26 and column 4, line 66-column 5, line 9) in response to the selection of said particular program (column 4, line 66-column 5, line 9) for the typical benefit of allowing the display of the movie to begin immediately (column 4, line 17-21 and column 1, lines 63-67).

Also, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a buffer memory for buffering data, which utilized for operations requiring high-speed reading/writing of data into memory, for the typical benefit of taking advantage of the high-speed capabilities offered by a buffer memory.

Additionally, in an analogous art, Camhi discloses a video receiver (Fig. 1) wherein the reading of stored segments is paused in response to a pause command (column 6, lines 25-56) while buffering (column 5, lines 25-33) and is resumed in response to a resume command (column 6, lines 25-56 and column 4, line 59-column 5, line 19) for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption, such as with typical vcrs (column 6, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett's system to include a storage device for storing a segment of the received program information, buffering the program information which continues to be received in the apparatus, a read out device for reading out said stored segment of program information while said buffer is buffering said received program information, as taught by Garfinkle, for the typical benefit of allowing the display of the movie to begin immediately.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include a buffer memory

for the typical benefits provided by well known buffer memories of high read/writes speeds.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include wherein reading out of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading out of said stored segment is resumed in response to a resume command, as taught by Camhi, for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption.

As to claim 44, Lett, Garfinkle and Camhi disclose wherein said buffer buffers the received program information by writing the received program information into a memory (see Garfinkle at column 5, lines 3-9) and thereafter reading said program information from said memory (see Garfinkle at column 5, lines 3-9), the received program information being read from said memory once said stored segment of program information has been substantially fully read out from said storage device (see Garfinkle at column 4, lines 19-34), thereby seamlessly recovering substantially all of said program information (see Garfinkle at column 4, lines 19-34).

As to claim 45, while Lett, Garfinkle and Camhi disclose wherein said buffer includes a digital memory (see Garfinkle at column 3, lines 6-19), they fail to specifically disclose a hard disk drive.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a hard disk drive for buffering data, which are capable of providing large storage space at low expense, for the typical benefits of taking advantage of the low cost and large storage space provided by well known hard disk drives.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett, Garfinkle and Camhi's system to include a hard disk drive for the typical benefits provided by well known hard disk drives of low cost and large storage space.

As to claim 46, Lett, Garfinkle and Camhi disclose wherein said storage device includes said hard disk drive (see Garfinkle at column 3, lines 14-19 and the rejection of claim 33 above).

As to claim 47, Lett, Garfinkle and Camhi disclose wherein said hard disk drive includes write and read circuits operable at the same time to write and read from the hard disk drive concurrently (see Garfinkle at column 3, lines 14-19, column 4, lines 13-34 and column 4, line 66-column 5, line 9).

As to claim 48, Lett discloses a method of supplying program information in a near video on demand system (Fig. 16; column 15, line 54-column 16, line 4), comprising the steps of:

providing the same program information on time offset channels (Fig. 16; column 15, line 66-column 16, line 16), said time offset being the same from channel to channel so that the start time of said program information on one channel differs from the start time of said program information on another channel by said time offset (Fig. 16; column 15, line 66-column 16, line 16);

transmitting said program information simultaneously on a plurality of said time offset channels to a receiving station (column 15, lines 54-column 17, line 9).

While Lett discloses allowing a user of the near video on demand system to pause and resume the movie (column 16, lines 4-16), he fails to specifically disclose permitting the recording of a segment of the transmitted program information in a buffer of the receiving station commencing from said start time and lasting no more than a predetermined duration that is less than the duration of the program information, and reading the recorded segment of program information while buffering the program information that is transmitted on the same channel as the segment of program information and wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command.

In an analogous art, Garfinkle discloses a video distribution system (Fig. 1; column 2, lines 39-57) wherein a lead-in portion of a video is stored in a memory of a receiver (site catalog store, 22; column 4, lines 13-26 and column 4, line 66-column 5, line 3) commencing at the start time (Fig. 5) and lasting no more than a predetermined duration that is less than the duration of the program information (column 4, lines 17-26)

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and wherein the stored lead-in is read while buffering program information (Fig. 5; column 4, lines 13-26 and column 4, line 66-column 5, line 9) in response to the selection of said particular program (column 4, line 66-column 5, line 9) for the typical benefit of allowing the display of the movie to begin immediately (column 4, line 17-21 and column 1, lines 63-67).

Also, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a buffer memory for buffering data, which utilized for operations requiring high-speed reading/writing of data into memory, for the typical benefit of taking advantage of the high-speed capabilities offered by a buffer memory.

Additionally, in an analogous art, Camhi discloses a video receiver (Fig. 1) wherein the reading of stored segments is paused in response to a pause command (column 6, lines 25-56) while buffering (column 5, lines 25-33) and is resumed in response to a resume command (column 6, lines 25-56 and column 4, line 59-column 5, line 19) for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption, such as with typical vcrs (column 6, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett's system to include permitting the recording of a segment of the transmitted program information in a memory of the receiving station commencing from said start time and lasting no more than a predetermined duration that is less than the duration of the program information, and reading the recorded

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segment of program information while buffering the program information that is transmitted on the same channel as the segment of program information, as taught by Garfinkle, for the typical benefit of allowing the display of the movie to begin immediately.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include a buffer memory for the typical benefits provided by well known buffer memories of high read/writes speeds.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Lett and Garfinkle's system to include wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and where after reading of said stored segment is resumed in response to a resume command, as taught by Camhi, for the typical benefit of providing a user move flexibility in viewing a buffered movie by allowing the user to pause during an interruption.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 22-48 have been considered but are moot in view of the new ground(s) of rejection.

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5. The OFFICIAL NOTICE presented in the prior action stating that it is notoriously well known in the art to utilize a hard drive for storage was not traversed and is accordingly taken as an admission of the fact noted.

### ***Conclusion***

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on \_\_\_\_\_  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
Art Unit 2617

JS



VIVEK SRIVASTAVA  
PRIMARY EXAMINER